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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

2007 DEC 13 P 3:35

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DEC 13 2007

MIKE GLEASON, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF  
THE UNION PACIFIC RAILROAD COMPANY  
TO ALTER A CROSSING OF THE UNION  
PACIFIC RAILROAD IN PINAL COUNTY,  
ARIZONA AT PICACHO BOULEVARD.

DOCKET NO. RR-03639A-07-0607

PROCEDURAL ORDER

**BY THE COMMISSION:**

On October 19, 2007, the Union Pacific Railroad Company ("Railroad") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Railroad to alter a crossing of the Railroad in Pinal County ("County"), Arizona by adding a second set of mainline tracks. The crossing is in Pinal County, Arizona at Picacho Boulevard, AAR/DOT 741 712W ("Application").

On October 24, 2007, the Commission's Safety Division's Railroad Safety Section ("Staff") and the Railroad participated in a teleconference to discuss aspects of the Application including public notice, other procedural matters and to determine a date for the hearing.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the request of the Union Pacific Railroad shall be considered an Application to construct a second set of mainline tracks at five existing crossings pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the Union Pacific Railroad shall be considered as the Applicant in this proceeding.

IT IS FURTHER ORDERED that the **hearing** on the Application shall be held on **March 26, 2008, at 9:30 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West

1 Washington Street, Phoenix, Arizona.

2 IT IS FURTHER ORDERED that within five business days of receipt of this Procedural  
3 Order, **THE UNION PACIFIC RAILROAD SHALL PROVIDE PINAL COUNTY**  
4 **(“COUNTY”), THE ARIZONA DEPARTMENT OF TRANSPORTATION (“ADOT”) AND**  
5 **ANY OTHER MUNICIPALITY OR INTERESTED PARTY** that may be affected by the  
6 application with a copy of the application and this Procedural Order by **certified U.S. mail.**

7 IT IS FURTHER ORDERED that Utilities Division, Railroad Safety Section shall prepare a  
8 written **Staff Report and associated exhibits** to be presented at hearing and file copies of them with  
9 Docket Control on or before 4:00 p.m. on **March 7, 2008.**

10 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**  
11 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on **March**  
12 **17, 2008.**

13 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
14 105, except that all motions to intervene must be filed on or before **February 25, 2008.**

15 IT IS FURTHER ORDERED that **Union Pacific Railroad** shall provide public notice of  
16 **the hearing** in this matter, in the following form and style:

17 **IN THE MATTER OF THE APPLICATION OF THE UNION PACIFIC**  
18 **RAILROAD TO ADD A SECOND SET OF MAINLINE TRACKS AT AN**  
19 **EXISTING CROSSING IN PINAL COUNTY, ARIZONA**  
20 **AT PICACHO BOULEVARD, AAR/DOT NO. 741 712W**  
**(DOCKET NO. RR-03639A-07-0607)**

21 On October 19, 2007, the Union Pacific Railroad (“Railroad”) filed with the Arizona  
22 Corporation Commission (“Commission”) an Application for the Railroad to add a  
second set of mainline tracks at an existing crossing in Pinal County, Arizona at  
Picacho Boulevard, AAR/DOT No. 741 712W.

23 The Application is available for inspection during regular business hours at the  
24 offices of the Commission at 1200 West Washington Street, Phoenix, Arizona, and on  
the internet via the Commission website (www.azcc.gov) using the e-docket function.

25 The Commission will hold a hearing on this matter commencing on **March 26,**  
26 **2008, at 9:30 a.m.,** at the Commission’s offices, 1200 West Washington Street,  
Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

27 The law provides for an open public hearing at which, under appropriate  
28 circumstances, interested parties may intervene. Intervention shall be permitted to  
any person entitled by law to intervene and having a direct and substantial interest in

the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to Applicant or its counsel and to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of Railroad, a neighboring property owner, a crossing user, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before February 25, 2008. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any concerned individual from appearing at the hearing and making a statement on such individual's own behalf.

If you have any questions about this application, you may contact the applicant at **[insert telephone number]**. If you wish to file written comments on the application or want further information on intervention, you may write the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000 or appear at the hearing and make comment.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-3931, E-mail lhogan@azcc.gov. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that the Union Pacific Railroad shall cause the above notice to be published at least once in a daily newspaper of general circulation in the area and at least three times in a weekly publication in the city/county where the crossing is located, with **publication to be completed no later than January 25, 2008.**

IT IS FURTHER ORDERED that notice shall be deemed complete upon the mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive the notice.

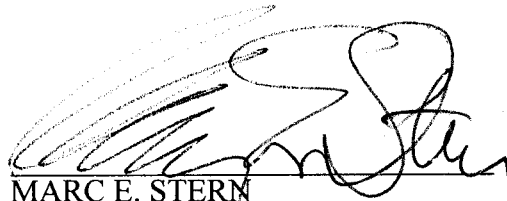
IT IS FURTHER ORDERED that the **UNION PACIFIC RAILROAD SHALL FILE CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET CONTROL AS SOON AS PRACTICABLE** after the mailing/publication of notice ordered herein has been completed.

...

1 IT IS FURTHER ORDERED that all parties must comply with Rule 31 and 38 of the Rules of  
2 the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*  
3 *hac vice*.

4 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,  
5 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
6 ruling at hearing.

7 DATED this 13<sup>th</sup> day of December, 2007.

8  
9  
10   
11 MARC E. STERN  
12 ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed/delivered  
14 this 13<sup>th</sup> day of December, 2007 to:

15 James H. Smith  
16 UNION PACIFIC RAILROAD COMPANY  
10031 Foothills Boulevard  
Roseville, California 95747

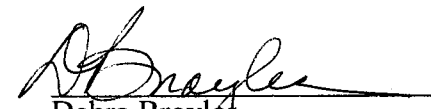
Brian Lehman, Chief  
Railroad Safety Section  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

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21 Company

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Legal Division  
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Phoenix, Arizona 85007

22 Gregory Stanley, County Engineer  
23 PINAL COUNTY  
P.O. Box 727  
31 North Pinal St., Bldg. F  
24 Florence, Arizona 85232

ARIZONA REPORTING SERVICE, INC.  
2200 North Central Avenue, Suite 502  
Phoenix, AZ 85004-1481

25 By:   
26 Debra Broyles  
27 Secretary to Marc Stern  
28